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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/441,869	11/17/99	SCHMIDT	K 337/1/003

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QM02/1023

EXAMINER

JACYNA, J

ART UNIT	PAPER NUMBER
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3751

DATE MAILED: 0/23/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
**09/441,869**

Applicant(s)  
**Schmidt**

Examiner  
**J. Casimer Jacyna**

Group Art Unit  
**3751**



☒ Responsive to communication(s) filed on Nov 17, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-6 and 9-20 is/are rejected.

☒ Claim(s) 7 and 8 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 16-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 16, there is no antecedent basis for "said retaining plug" in parent claim 13, the antecedent is in claim 14.

3. Claims 1-6, 9-16, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kittscher et al.

Kittscher discloses a dispensing bottle including a hollow main body 1, a neck 3, a retaining plug 11 which is located centrally in the interior of the opening of neck 3, a meltable paraffin wax plug 7 also suspended centrally in the middle of the opening of neck 3, a removable closure cap 13, and an arrangement for capturing the wax plug which includes a set of lips and grooves 12.

4. Claims 1, 2, 13 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Chapman.

Chapman discloses a dispensing bottle including a hollow main body 10, a neck 12, a meltable wax plug 14, a removable closure cap 16, and an arrangement for capturing the wax plug which includes a set of lips and grooves as are the disclosed threads on neck 12.

5. Claims 13 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Shichman.

Shichman discloses a dispensing bottle including a hollow main body 12, a neck 14 with 18, a meltable paraffin wax plug 34, and an arrangement for capturing the wax plug as is the taper in the outlet conduit 32.

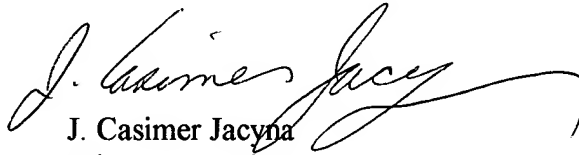
6. Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Miskell.

Miskell discloses a dispensing bottle including a hollow main body 14, a neck 16, a meltable wax plug 18, and an arrangement for capturing the wax plug 24.

7. Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 17 and 18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

An inquiry concerning this communication should be directed to Casey Jacyna at telephone number 703-308-1508.

  
J. Casimer Jacyna  
Primary Examiner  
Art Unit 3751

Jacyna  
October 21, 2000